

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SOPHIA M. PHILLIPS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:07-cv-1135-DFH-TAB
)	
NIGHTINGALE HOME HEALTHCARE,)	
INC.,)	
)	
Defendant.)	

ORDER

Defendant's motion for summary judgment is denied on plaintiff's claims of sex and age discrimination and the state law claim for wages, and granted on the Fair Labor Standards Act claim. Plaintiff's testimony about Dr. Brer's statements to her would allow, though not require, a reasonable jury to conclude that defendant's actions were motivated by sex and/or age. Defendant's attempt to explain away the comments as benign or as "stray remarks" might present a jury question, but at the summary judgment stage, plaintiff is entitled to the benefit of any reasonable inferences in her favor. Plaintiff concedes that defendant is entitled to judgment on the Fair Labor Standards Act claim.

So ordered.

Date: December 19, 2008

A handwritten signature in black ink, reading "David F. Hamilton". The signature is fluid and cursive, with the first name "David" and last name "Hamilton" clearly distinguishable.

DAVID F. HAMILTON, CHIEF JUDGE
United States District Court
Southern District of Indiana

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